

**Carlos Hernández**  
Mayor

**Vivian Casáls-Muñoz**  
Council President

**Isis García-Martínez**  
Council Vice President



Council Members  
**Katharine Cue-Fuente**  
**Jose F. Caragol**  
**Paul B. Hernández**  
**Lourdes Lozano**  
**Carl Zogby**

## City Council Agenda November 27, 2018 7:00 P.M.

---

Call to Order

Roll Call

Invocation given by Marbelys Fatjo, City Clerk

Pledge of Allegiance to be led by Councilwoman Lourdes Lozano

### **MEETING GUIDELINES**

*The following guidelines have been established by the City Council:*

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

## **1. PRESENTATIONS**

---

## **2. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA**

---

## **3. CONSENT AGENDA**

---

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the minutes of the Council Meeting held on November 13, 2018. (OFFICE OF THE CITY CLERK)
- B.** Proposed resolution amending Hialeah Florida Resolution No. 2018-079 (August 28, 2018) which established a nine member Local Affordable Housing Advisory Committee for the City of Hialeah, to replace two committee members, to reappoint the members of the Local Affordable Housing Advisory Committee, to clarify the purpose of the committee; providing for an effective date. (GRANTS AND HUMAN SERVICES DEPT.)
- C.** Proposed resolution approving a service agreement with Motorola, Inc., to provide the City with preventative maintenance, radio repair, technical support, infrastructure repair, and microwave support, for one year, commencing on October 1, 2018 and ending on September 30, 2019, for the total amount of \$359,669.15, payable in equal monthly installments of \$29,972.43; and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute the service agreement, a copy of which is attached hereto and made a part hereof as Exhibit "1", and any other documents necessary to give effect to the intent of the parties as set forth in the terms of the agreement. (FIRE DEPARTMENT)
- D.** Request from San Lazaro Catholic Church and Shrine, located at 4400 West 18<sup>th</sup> Avenue, Hialeah, Florida, for a procession permit, to host a procession on Monday, December 17, 2018, commencing at 8:30 p.m., beginning on church grounds, traveling on 44<sup>th</sup> Place to West 16<sup>th</sup> Avenue, West 16<sup>th</sup> Avenue to West 42<sup>nd</sup> Street, West 42<sup>nd</sup> Street to West 18<sup>th</sup> Avenue, and West 18<sup>th</sup> Avenue ending at the Church grounds, in accordance with recommendations from the Police Department and Fire Department. (OFFICE OF THE CITY CLERK)
- E.** Request from Rincon De San Lazaro Church, located at 1190 East 4<sup>th</sup> Avenue, Hialeah, Florida, for a procession permit, to host a procession on Monday, December 17, 2018, from 8:00 p.m. to 11:00 p.m., beginning on church grounds, traveling to East 8<sup>th</sup> Street, taking a right on East 1<sup>st</sup> Avenue, taking a right on East 21<sup>st</sup> Street heading south, taking a right on East 4<sup>th</sup> Avenue and returning to church grounds, in accordance with recommendations from the Police Department and Fire Department. (OFFICE OF THE

CITY CLERK)

- F.** Request permission to waive competitive bidding, since it is advantageous to the City in that the Miami Herald is a newspaper of general circulation in the City of Hialeah as required by law, and issue a purchase order to the Miami Herald, for the cost of legal and classified advertisements for fiscal year 2018-2019, in a total cumulative amount not to exceed \$40,890.16. (OFFICE OF THE CITY CLERK)
- G.** Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Defined Benefit/Defined Contribution Plans, commencing on October 1, 2018 and ending on September 30, 2019, with the firm's compensation fee being based on a percent of the fund's assets at the end of each quarter (0.07% fee of the total assets), which is estimated at \$47,600 annually. (OFFICE OF MANAGEMENT AND BUDGET)
- H.** Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Elected Officers Retirement Trust, commencing on October 1, 2018 and ending on September 30, 2019, with the firm's compensation fee being based on a percent of the fund's assets at the end of each quarter (0.25% fee of the total assets), which is estimated at \$29,500 annually. (OFFICE OF MANAGEMENT AND BUDGET)
- I.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Trimline Graphics International, Inc., vendor providing the lowest quotation, for the purchase of sixty-five (65) police car interceptors and installation of 3M decals and reflective film, in a total cumulative amount not to exceed \$29,250. (POLICE DEPARTMENT)
- J.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Mutual Aid Agreement with the City of Miami as a participating municipal police department to provide for requesting and rendering assistance for routine and intensive law enforcement situations from the effective date of the agreement through December 15, 2023, a copy of which is attached hereto and made a part hereof as Exhibit "1". (POLICE DEPARTMENT)
- K.** Proposed resolution authorizing the Mayor or designee to place insurance coverage with Liberty Mutual Insurance Company through Keen, Battle, Mead & Company for calendar year 2018-2019 in an estimated amount not to exceed \$60,836.07 for fire, windstorm and other covered perils coverage and inland marine coverage for the Department of Public Works and its water and sewer distribution facilities; and waiving competitive bidding requirements as advantageous to the City. (RISK MANAGEMENT DEPT.)
- L.** Request permission to utilize Florida Department of Transportation Contracts 434666-1 and T4449, awarded to this vendor through competitive bidding, and issue a purchase order to Acosta Tractors, Inc., for the reconstruction of NW 102<sup>nd</sup> Avenue from 138<sup>th</sup> to 142<sup>nd</sup> Street, in a total cumulative amount not to exceed \$1,284,264.15, amount which includes a ten percent contingency. (STREETS)
- M.** Proposed resolution approving a state-funded grant agreement with the State of Florida, Department of Transportation providing county incentive grant funding pursuant to Florida Statutes §339.2817 in a matching grant amount of 50% of the project costs not to

exceed \$1,050,000.00 for the purchase of six new low-floor passenger buses by the City no later than December 31, 2020, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1"; authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the state grant agreement and any other customary and necessary documents; and providing for an effective date. (TRANSIT)

- N. Request from Samurai Fireworks, for permission to install a seasonal firework tent for the sale of fireworks, with set up taking place on December 17, 2018 and take down on January 1, 2019, and with sales scheduled to take place from December 22, 2018 through December 31, 2018, to be located at 6800 West 12<sup>th</sup> Avenue, Hialeah, Florida, subject to recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)
- O. Request from Samurai Fireworks, for permission to install a seasonal firework tent for the sale of fireworks, with set up taking place on December 17, 2018 and take down on January 1, 2019, and with sales scheduled to take place from December 22, 2018 through December 31, 2018, to be located 5916 West 16<sup>th</sup> Avenue, Hialeah, Florida, subject to recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)
- P. Request from Samurai Fireworks, for permission to install a seasonal firework tent for the sale of fireworks, with set up taking place on December 17, 2018 and take down on January 1, 2019, and with sales scheduled to take place from December 22, 2018 through December 31, 2018, to be located 925 East 8<sup>th</sup> Avenue, Hialeah, Florida, subject to recommendations from the Fire Department. (OFFICE OF THE CITY CLERK)
- Q. Request permission to issue a purchase order to Los Portales VI Investments, Corp., leaseholder and sole source vendor located within the selected area of benefit, for the payment of residential leases for Units 109, 112, 113, 114, 115, 116 and 118 at Los Portales located at 301 Hialeah Drive, on behalf of Microenterprise Sub-recipients, in an amount of \$500.00 per unit, per month, in a total cumulative amount not to exceed \$42,000. (DEPARTMENT OF GRANTS AND HUMAN SERVICES)
- R. Request permission to issue a purchase order to Tidal Basin Government Consulting, LLC, for emergency management administrative support services (consulting services) provided by this vendor after Hurricane Irma in order for the City to receive reimbursement from FEMA for damages and expenditures caused by the hurricane, in a total commutative amount not to exceed \$511,486.36. (EMERGENCY MANAGEMENT DEPT.)
- S. Request permission to issue a purchase order to Lewis, Longman & Walker, P.A., vendor assisting the City with the process of reaching a successor employment contract with IAFF, to pay for outstanding invoices for consulting services and assistance to the City with negotiation reforms to the pension benefits plan, in a total amount not to exceed \$4,968.50. The total fees paid to this vendor for fiscal year 2018 are \$20,461.00. Further request permission to issue a purchase order to Bryant Miller Olive P.A., for the services of David Miller, Esq., the lead negotiator for this firm, to pay for outstanding invoices for services rendered in the process of reaching a successor employment contract with IAFF, in a total amount not to exceed \$6,295. The total fees paid to this vendor for fiscal year 2018 are \$25,879.25. (LAW DEPT.)

#### 4. ADMINISTRATIVE ITEMS

---

- 4A.** Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2017-55 (October 2, 2017) adopting the Operating Budget for fiscal year 2017-2018 to increase appropriations from transfers in and fund balance in the amount of \$50,977 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end Operating Budget in the total amount of \$144,150,977; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4B.** Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2017-56 (October 2, 2017) adopting the Special Revenue Funds Budget for fiscal year 2017-2018, to approve and ratify supplemental appropriations in the amount of \$7,959,477 and to approve and ratify all unencumbered appropriation balance transfers for a new year-end Special Revenue Funds Budget in the total amount of \$29,721,977; repealing all ordinances or parts of ordinances in conflict herewith; providing penalty for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4C.** Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2017-57 (October 2, 2017) adopting the Debt Service Fund Budget for fiscal year 2017-2018 to approve and ratify supplemental appropriations in the amount of \$423,840 and to approve and ratify all unencumbered appropriation balance transfers for a new year-end Debt Service Budget in the total amount of \$7,723,640; repealing all ordinances or parts of ordinances in conflict herewith; providing penalty for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4D.** Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2017-58 (October 2, 2017) adopting the Capital Projects Fund Budget for fiscal year 2017-2018 to approve and ratify supplemental appropriations in the amount of \$1,942,958 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end Capital Projects Fund Budget in the total amount of \$6,198,958; repealing all ordinances or parts of ordinances in conflict herewith; providing for a penalty for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4E.** Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2017-59 (October 2, 2017) adopting the Street Transportation Fund Budget for

fiscal year 2017-2018 to approve supplemental appropriations in the amount of \$430,826 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end Street Transportation Fund Budget in the total amount of \$6,385,726; repealing all ordinances or parts of ordinances in conflict herewith; providing penalty for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4F.** Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2017-60 (October 2, 2017) adopting the Stormwater Fund Budget for fiscal year 2017-2018 to approve and ratify supplemental appropriations in the amount of \$81,700 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end Stormwater Fund Budget in the total amount of \$3,402,500; repealing all ordinances or parts of ordinances in conflict herewith; providing for penalties in violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4G.** Second reading and public hearing of proposed ordinance amending Hialeah, Fla. Ordinance 2017-61 (October 2, 2017) adopting the Public Works Fund Budget for fiscal year 2017-2018 to approve and ratify a reduction in appropriations in the amount of \$9,547,500 and to approve and ratify all unencumbered appropriation balance transfers within an office or department or from one office or department to another for a new year-end Public Works Fund Budget in the total amount of \$110,791,200; repealing all ordinances or parts of ordinances in conflict herewith; providing for a penalty in violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4H.** Second reading and public hearing of proposed ordinance accepting the Right of Way Deed attached as Exhibit "1" from FDG Countyline, LLC, a Delaware Limited Liability Company, conveying 40 feet rights-of-way along NW 102 Avenue for public highway purposes and all purposes incidental thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (STREETS)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4I.** Second reading and public hearing of proposed ordinance accepting the Right of Way Deed attached as Exhibit "1" from FDG BN Expansion LLC, a Delaware Limited Liability Company, conveying rights-of-way consisting of 40 feet along NW 102 Avenue with an area of approximately 60,627 square feet for public highway purposes and all purposes incidental thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (STREETS)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4J.** Second reading and public hearing of proposed ordinance amending the Code of Ordinances of the City of Hialeah, Chapter 98 Entitled “Zoning”, Article V. Zoning District Regulations, Division 11 Landscaping, Section 98-2233, Waiver of Minimum Landscaping Requirements; Landscape Mitigation, to allow for waivers of the City’s minimum landscaping requirements as may be appropriate; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability; providing for an effective date. (ZONING DIV.)

*Item was approved on first reading by the City Council on November 13, 2018.*

- 4K.** First reading of proposed ordinance rescinding Resolution No. 2013-16 (March 12, 2013) and amending Chapter 70, “Retirement and Pensions”, Article VII entitled “Elected Officials” and more specifically §70-529 “Oversight Committee” in Division 1 entitled “Generally”, to replace the Finance Director with the Director of the Office of Management and Budget; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION)
- 4L.** First reading of proposed ordinance amending Chapter 70, “Retirement and Pensions”, Article IV entitled “Employees General Retirement System” and more specifically §70-135 in Division 2 entitled “Board of Trustees”, to replace the City Treasurer with the Director of Retirement; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION)
- 4M.** First reading of proposed ordinance accepting the dedication of land by J.V.C Management Corp., a Florida Corporation, for right-of-way purposes, as more particularly described in the Right-of-Way Deed, a copy of which is attached hereto and made a part hereof as “Exhibit 1”; accepting and approving the terms of an easement for the construction, maintenance and operation of a Stormwater Management System on property described in the easement agreement, a copy of which is attached hereto and made a part hereof as “Exhibit 2” granted by J.V.C Management Corp., a Florida Corporation; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability clause; and providing for an effective date. (STREETS)
- 4N.** First reading of proposed ordinance accepting the dedication of 13,992 square feet or .321 acres in land, more or less, from Section 17, LLC, a Florida Limited Liability Company, for right-of-way purposes, as more particularly described in the right-of-way deed, a copy of which is attached hereto and made a part hereof as “Exhibit 1”; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability clause; and providing for an effective date. (STREETS)
- 4O.** First reading of proposed ordinance approving the dedication of approximately 17,866 square feet or 0.41 acres of land, more or less, abutting NW 107 Avenue to Miami-Dade

County for right-of-way purposes; approving the terms of the dedication in substantial conformity with the deeds attached hereto and made a part hereof as Exhibit 1 and Exhibit 2; authorizing the Mayor and the City Clerk, as attesting witness, to execute the right of way deeds on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability clause; and providing for an effective date. (STREETS)

- 4P.** First reading of proposed ordinance amending Section 98-1607.2 Hialeah Heights CDH Commercial Development District of the Code of Ordinances of the City of Hialeah in Chapter 98 “Zoning”, Article V. entitled “Zoning District Regulations”, Division 29, Hialeah Heights, Hialeah Heights CDH Commercial Development District; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability; and providing for an effective date. (ZONING)
- 4Q.** First reading of proposed ordinance creating Section 98-1607.3 RH-CD-Mixed Use Multiple Family District of the Code of Ordinances of the City of Hialeah, in Chapter 98 entitled “Zoning”, Article V. “Zoning District Regulations”, Division 29. Hialeah Heights, providing a purpose; site and development standards; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in the code; and providing for an effective date. (ZONING)
- 4R.** First reading of proposed ordinance approving the third renewal beginning June 20, 2018 through June 2023 of the ground lease for the 95 foot monopole communications tower that commenced on August 20, 2003, together with such rights and duties as more fully described in the ground lease consisting of approximately 400 square feet for a base annual rent of \$45,023.68 and annual increases of 4% each year, at Babcock Park, 651 East 4 Avenue, Hialeah, Florida; approving a first amendment and memorandum of first amendment with T-Mobile South LLC, a Delaware Limited Liability Company, by and through CCTMO LLC, a Delaware Limited Liability Company, copies of which are attached hereto and made a part hereof respectively as Exhibits "1" and “2” to the original ground lease to add an additional 200 square feet to site a generator to power the T-Mobile communications antennas in the event of a power outage, for an additional monthly rent of \$300 at \$1.50 a square foot; allowing for antennae improvements and modifications; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)
- 4S.** First reading of proposed ordinance approving the first amendment and memorandum of agreement with CCTM2, LLC, a Delaware Limited Liability Company, copies of which are attached hereto and made a part hereof as Exhibits "1" and “2” to the original ground lease, that commenced on May 1, 2007 consisting of approximately 400 square feet for a base annual rent of \$59,861.90 and annual increase of 5% each year; to add an additional 240 square feet for an additional monthly rent of \$360 at \$1.50 a square foot to site a generator to power the antennas owned by T-Mobile in the event of a power outage located at O’Quinn Park, 6051 West 2 Avenue, Hialeah, Florida; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof;



providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

- 4T.** First reading of proposed ordinance amending Section 98-1630.2 entitled Building Uses of the Code of Ordinances of the City of Hialeah in Chapter 98, "Zoning", Article V. entitled "Zoning District Regulations", Division 33, NBD Neighborhood Business District.; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability; and providing for an effective date. (ZONING)
- 4U.** First reading of proposed ordinance granting a perpetual non-exclusive easement to Florida Power and Light for the construction, operation and maintenance of electric utility facilities in area approximately 215 square feet, more or less, serving Pump Station 106 located at 3474 West 10 Avenue; approving the terms of easement in substantial conformity with the form attached hereto and made a part hereof as Exhibit 1; and authorizing the Mayor and the City Clerk, as attesting witness, to execute the easement on behalf of the City; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (DEPARTMENT OF PUBLIC WORKS)
- 4V.** First reading of proposed ordinance providing for a Primary Election to be held on Tuesday, November 5, 2019 and a General Election to be held on Tuesday, November 19, 2019; providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)
- 4W.** First reading of proposed ordinance setting the election date for the General Election for the year 2019 for the date of Tuesday, November 19, 2019 for the Offices of the City Council whose terms have expired, pursuant to municipal powers vested by state law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)
- 4X.** First reading of proposed ordinance opting out of the early voting time and location provisions provided by state law, specifically, Sections 101.657(1)(a)-(1)(d), Florida Statutes and in lieu thereof, providing early voting at JFK Library for the Primary Election, and in particular, on Monday, October 28, 2019, from 11:00 a.m. to 7:00 p.m., on Tuesday, October 29, 2019, from 7:00 a.m. to 3:00 p.m., on Wednesday, October 30, 2019, from 11:00 a.m. to 7:00 p.m.; on Thursday, October 31, 2019, from 7:00 a.m. to 3:00 p.m.; Friday, November 1, 2019, from 11:00 a.m. to 7:00 p.m., on Saturday, November 2, 2019, from 9:00 a.m. to 4:00 p.m., and on Sunday, November 3, 2019, from 9:00 a.m. to 4:00 p.m.; and providing early voting at JFK Library for the General Election, if a General Election is held, and in particular, on Friday, November 15, 2019, from 11:00 a.m. to 7:00 p.m., on Saturday, November 16, 2019, from 9:00 a.m. to 4:00

p.m. and on Sunday, November 17, 2019, from 9:00 a.m. to 4:00 p.m.; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)

## 5. BOARD APPOINTMENTS

---

## 6. UNFINISHED BUSINESS

---

## 7. NEW BUSINESS

---

## 8. COMMENTS AND QUESTIONS

---

### ZONING

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item**

---

***Attention Applicants:***

- a. Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

**PZ 1.** Second reading and public hearing of proposed ordinance rezoning property from RO (Residential Office) to B-1 (Highly Restricted Retail District). **Property located at 610 East 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on October 24, 2018.</i>
--

<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Star Prop XII, LLC, Nicolas Estrella, Jose Estrella, 3750 West Flagler Street, Miami, Florida 33134.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 7600 West 20 Avenue, #220, Hialeah, FL 33016.</i>
<i>Item was approved on first reading by the City Council on November 13, 2018.</i>

**PZ 2.** Second reading and public hearing of proposed ordinance rezoning property from M-1 (Industrial District) and A (Agricultural) to C-2 (Liberal Retail Commercial District) and granting a temporary waiver of plat, provided that a final plat is approved within 18 months of approval of this ordinance pursuant to Land Development Code § 10-4 (c), and granting the following variances specific to each prospective tract to allow for the construction of a new mixed-use development pursuant to the NBD (Neighborhood Business District) regulations, to include 260 residential units and approximately 11,000 square feet of retail; as to prospective tract A comprising approximately 5.02 acres in area- granting a variance permit to allow less than 600 square feet on 18 studio residential units, where 600 square feet is the minimum area allowed and allow less than 850 square feet on 60 residential units, where 850 square feet is the minimum allowed, contra to Hialeah Code of Ordinances § 98-1630.2; granting a variance permit to allow a building mass without a delineated base, middle and cap, where a segmented mass is required, contra to Hialeah Code of Ordinances § 98-1630.3(c); granting a variance permit to allow a building frontage of 71% at the base, where 100% is required, contra to Hialeah Code of Ordinances § 98-1630.3(d); granting a variance permit to allow 89.5 feet front setback, where 10 feet built-to-line is required, contra to Hialeah Code of Ordinances § 98-1630.3 (e)(1); granting a variance permit to allow for surface parking along the front setback, where surface parking is not allowed at the front setback, contra to Hialeah Code of Ordinances § 98-1630.3(e)(4); and granting a variance permit to allow 368 parking spaces, where 664 parking spaces are required, contra to Hialeah Code of Ordinances § 98-2189 (16)a. and b.; as to prospective tract B comprising approximately 2.01 acres in area- granting a variance permit to allow 7.6 feet front setback for a proposed two story commercial building, where 20 feet is the minimum required, contra to Hialeah Code of Ordinances §§ 98-1115 and 98-1069(a); as to prospective tract C comprising approximately 1.26 acres in area- granting a variance permit to allow approximately 1.5 feet landscape buffer for a distance of 200 feet along West 29<sup>th</sup> Street, where 7 feet is the minimum required, contra to the latest edition of the Hialeah Landscape Manual dated July 9, 2015 paragraph D(7); and as to prospective tract D comprising approximately .61 acres in area – granting a variance permit to allow 22 parking spaces, where 25 parking spaces are required, contra Hialeah Code of Ordinances § 98-2189 (7) and (10) for the construction of a commercial development consistent with the C-2 (Liberal Retail Commercial District) regulations;. **Property located at 2901 West 16 Avenue, Hialeah, Florida.** Zoned M-1 (Industrial District); repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on October 24, 2018.</i>
<i>Planner's Recommendation: Approval with Declaration of Restrictive Covenants including parking management plan and ingress/egress and parking agreement.</i>
<i>Owners of the Property: David Brown, Jack Brown, Jenna Brown, Ava Brown, Victor Brown, Tracey Brown, Nicholas Brown, Harrison Brown, June Brown, Stephen Blumenthal, Jillian Blumenthal, Allison Blumenthal, Michael Wohl, Oscar Rodriguez, Ana M. Rodriguez, Jorge Contreras, Mark Meland and Jill Meland, 200 S. Biscayne Blvd., #3200, Miami, FL 33131</i>
<i>Registered Lobbyist: Javier Vasquez, 1450 Brickell Avenue, Miami, Florida 33131.</i>
<i>Item was approved on first reading by the City Council on November 13, 2018.</i>

- PZ 3.** Second reading and public hearing of proposed ordinance rezoning property from C-2 (Liberal Retail Commercial District) to TOD (Transit Oriented Development); and granting a variance permit to allow 10 stories, where 8 stories is the maximum allowed contra to Hialeah Code of Ordinances §§ 98-1544(c)(2) and 98-1544(d). **Property located at 1033 East 25 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on October 24, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owners of the Property: Miami PG 1025, LLC, 1132 Kane Concourse, Bay Harbor Islands, FL. David A. Egozi P.A., 2151 NE 206 Street, Miami, FL 33179 Taves Capital Group, LLC, 1132 Kane Concourse, Bay Harbor Islands BMR 1025 E 25th St, LLC, PO Box 472 Miami, FL 33101</i>
<i>Registered Lobbyist: Jorge L. Navarro, Greenberg Traurig, 333 SE 2<sup>nd</sup> Avenue, 44<sup>th</sup> Floor, Miami, Florida 33131.</i>
<i>Item was approved on first reading by the City Council on November 13, 2018.</i>

- PZ 4.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a building height of approximately 54 feet, where 35 feet is the maximum allowed; contra to Hialeah Code of Ordinances § 98-1375(a). Property zoned M-1 (Industrial District). **Property located at 725 Southeast 9 Court, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on October 24, 2018.</i>
--

<i>Planner's Recommendation: Approval with Declaration of Restrictive Covenants as proffered.</i>
<i>Owner of the Property: Columbia Florida 9<sup>th</sup> Industrial, LLC, 120 N. LaSalle Street, Suite 2900, Chicago, IL 60602.</i>
<i>Registered Lobbyist: Maritza Haro, 200 South Biscayne Boulevard, Suite 850, Miami, Florida 33131.</i>
<i>Item was approved on first reading by the City Council on November 13, 2018.</i>

- PZ 5.** Second reading and public hearing of proposed ordinance granting a variance permit to allow 4 on-site parking spaces, where 12 parking spaces are required, contra to Hialeah Code of Ordinances §98-2189 (15) and (7); and waiving the minimum landscape requirements of the latest edition of the Hialeah Landscape Manual dated July 9, 2015, Paragraph E Table A and Section G. Property zoned M-2 (Industrial District). **Property located at 2205 West 9 Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on October 24, 2018.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Owner of the Property: DANVA Construction Services, Inc., c/o Daniele Faccuito, President, 5329 NW 36 Avenue, Miami, FL 33142.</i>
<i>Item was approved on first reading by the City Council on November 13, 2018.</i>

- PZ 6.** First reading of proposed ordinance rezoning property from P (Parking) to B-1 (Highly Restricted Retail) and granting a variance permit to allow 13 parking spaces, where 23 parking spaces are required, contra to §98-2189(7) Hialeah Code of Ordinances. **Property located at 402 East 41 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on November 14, 2018.</i>
<i>Planner's Recommendation: Approval subject to amended Declaration of Restrictions and Unity of Title.</i>
<i>Owner of the Property: Barbara Liquor, LLC, 400 East 41 Street, Hialeah, Florida 33013.</i>

*Registered Lobbyist: Orestes Lopez Recio, 5895 SW 32 Street, Miami, Florida 33155.*

- PZ 7.** First reading of proposed ordinance rezoning from R-1 (One Family District) to R-2 (One and Two Family Residential District); and granting a variance permit to allow the replatting of the property into two substandard lots to allow the construction of a duplex on each lot with an approximate frontage of 43.75 feet and an area of 5,753 square feet, where 75 feet is the minimum frontage allowed and 7,500 square feet is the minimum area allowed; allow no interior east side setback, where 7.5 feet are required for the corner lot; and allow no interior west side setback, where 7.5 feet are required for the eastern most lot. All contra to Hialeah Code of Ordinances §§ 98-544 and 98-546. **Property located at 801 East 28 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*Item was approved by the Planning and Zoning Board on November 14, 2018.*

*Planner's Recommendation: Approval.*

*Owner of the Property: Orlando Cordoves, 1553 San Ignacio Avenue, Coral Gables, FL 33146.*

- PZ 8.** First reading of proposed ordinance granting a special use permit (SUP) to allow the expansion of the Neighborhood Business District regulations pursuant to Hialeah Code of Ordinances § 98-1630.8; granting a variance permit to allow 140 parking spaces, where 217 parking spaces are required; allow a 10.5% pervious area, where 30% is required; allow all units to have 605 square feet, where 850 square feet is the minimum required; allow surface parking on front and side setbacks, where parking is not allowed; allow a building frontage of 37%, where 100% is required; and allow a partial waiver of landscaping requirements to allow for 30 trees, where 47 trees are required. All contra to Hialeah Code of Ordinances §§ 98-2189(16)a., 98-2056(b)(1), 98-1630.2, 98-2189(16)(a), 98-1603.3(d) and 98-1603.3(e)(4) and the latest edition of the Hialeah Landscape Manual dated July 9, 2015, Paragraph (E) Table A. Property zoned M-1 (Industrial District). **Property located at 640 West 18 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*Item was approved by the Planning and Zoning Board on November 14, 2018.*

*Planner's Recommendation: Approval.*

*Owner of the Property: Delta Laboratories, Inc., P.O Box 2288, Ocala, Florida 32678.*

*Registered Lobbyist: Anthony Escarra, Esq., 16400 NW 59<sup>th</sup> Avenue, 2<sup>nd</sup> Floor, Miami Lakes, Florida 33014.*

## **FINAL DECISIONS**

- FD 1.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2018-12 that granted an adjustment on the property located at **701 West 55 Place, Hialeah, Florida**; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on October 24, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Benigno R. Castillo and Narcisa N. Castillo, 701 West 55<sup>th</sup> Place, Hialeah, Florida 33012.</i>

- FD 2.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2018-11 that granted an adjustment on the property located at **5681 West 20 Court, Hialeah, Florida**; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on October 24, 2018.</i>
<i>Planner's Recommendation: Approval with the condition that required 30% pervious area is provided and the aluminum roof terrace remains open on three sides.</i>
<i>Owner of the Property: Candida A. Delgado, 5681 West 20<sup>th</sup> Court, Hialeah, Florida 33016.</i>

- FD 3.** Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 2018-10 that granted an adjustment on the property located at **210 East 60 Street, Hialeah, Florida**; and providing for an effective date.

<i>Item was approved with conditions by the Planning and Zoning Board on October 24, 2018.</i>
<i>Planner's Recommendation: Approval of adjustments with the condition that exterior side door on west side addition be removed, that the gazebo remain open on its four sides, and that 3 sheds get relocated to comply with 3 feet side and rear setback requirement.</i>
<i>Owner of the Property: Alejandro Ballester &amp; Ana Isabel San Roman, 210 East 60<sup>th</sup> Street, Hialeah, Florida 33013.</i>

## **LANDUSE**

- LU 1.** First reading of proposed ordinance amending the Future Land Use Map from Transit Oriented Development District (TOD) to Industrial District. **Property located at 725 SE 9 Court, Hialeah, Florida.** Zoned M-1 (Industrial District). Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

*Resolution was approved by the City Council in the transmittal stage on August 28, 2018, Resolution No. 2018-086.*

**NEXT CITY COUNCIL MEETING: Tuesday, December 11, 2018 at 7:00 p.m.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 26, 2018 at 6:30 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).